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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,516	02/15/2001	Toshihiro Sugiura	ADACHI P202US	3294
20210	7590	03/07/2005	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			CHO, HONG SOL	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/784,516	Applicant(s) SUGIURA, TOSHIHIRO	
	Examiner Hong Cho	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 11/1/04. Claims 1-3 were canceled. Claims 4-12 are pending in the instant application.

Claim Rejections - 35 USC § 112, First paragraph

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 6-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re claim 6, it recites "wherein a first wired LAN system is connected to the bi-directional CATV system via a transmission line of the bi-directional CATV system". The original specification does not describe the above claim limitation.

Claims 7-9 dependent on claim 6 are therefore similarly rejected.

Claim Rejections - 35 USC § 112, Second paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 4-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 4 and 10, it is not clear if the bi-directional CATV system includes a wireless LAN system. Claims 4 and 10 recite “*the bi-directional CATV system uses a first frequency band and a second frequency band for transmitting upward signals*”. The specification defines that upward signals are transmitted from a terminal to the center equipment. In other words, the CATV system includes a wireless LAN system. Therefore, it is not clear what is meant by “*a wireless LAN system to be connected to a bi-directional CATV system*”.

Re claim 6, it is not clear if the bi-directional CATV system includes a wired LAN system. Claim 6 recites “*the bi-directional CATV system uses a first frequency band and a second frequency band for transmitting upward signals*”. The specification defines that upward signals are transmitted from a terminal to the center equipment. In other words, the CATV system includes a wired LAN system. Therefore, it is not clear what is meant by “*a wired LAN system to be connected to a bi-directional CATV system*”.

Claims 5, 7-9, 11 and 12 depend on claims 4, 6 and 10 are therefore similarly rejected.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 4, 5, 10 and 11 are rejected under 35 U.S.C. 102(e) as being unpatentable over Bianchi et al (U.S 6587479), hereinafter referred to as Bianchi.

Re claim 4, Bianchi discloses a wireless LAN system to be connected to a bi-directional CATV system, comprising an access point capable of being accessed from at least one wireless terminal (*figure 3, a wireless subscriber terminal is connected to a CATV plant through a cable access point (CAP)*), wherein the bi-directional system uses a first frequency band (*figure 7, 802.11 2.4 GHz or 5.8 GHz upward frequency band for communication between 802.11 access point in CAP and a wireless terminal*) and a second frequency band (*figure 2, 5-40 MHz upward frequency band for communication between CAP and head end access point (HAP)*) for transmitting upward signals; the bi-directional CATV system comprises a wireless transmission section for wireless transmitting of signals using a wireless frequency band in a transmission path between a

center equipment of the bi-directional CATV system and the access point (*figure 2, 5-40 MHz frequency band for communication between CAP and head end access point (HAP)*); the wireless LAN system includes a LAN frequency band distinct from the wireless frequency band; and the LAN frequency band is used for wireless transmitting of signal between the at least one wireless terminal and the access point (*figure 7, 802.11 2.4 GHz or 5.8 GHz frequency band for communication between 802.11 access point in CAP and a wireless terminal*).

Re claims 5 and 11, Bianchi discloses the bi-directional CATV system comprising a downward signal frequency band used for transmitting downward signals (*figure 2, 50-750 MHz downward frequency band for communication between CAP and HAP*); one of the first frequency band and the second frequency band is higher than the downward signal transmission frequency band (*the 2.4 GHz or 5.8 GHz upward frequency band is higher than the 50-750 MHz downward frequency band*); and the other of the first frequency band and the second frequency band is lower than the downward signal transmission frequency band (*the 5-40 MHz upward frequency band is lower than the 50-750 MHz downward frequency band*).

Re claim 10, Bianchi discloses a wireless LAN system to be connected to a bi-directional CATV system, comprising an access point capable of being accessed from at least one wireless terminal (*figure 3, a wireless subscriber terminal is connected to a CATV plant through a cable access point (CAP)*), wherein the bi-directional system uses a first frequency band (*figure 7, 802.11 2.4 GHz or 5.8 GHz upward frequency band for communication between 802.11 access point in CAP and a wireless terminal*) and a

second frequency band (*figure 2, 5-40 MHz upward frequency band for communication between CAP and head end access point (HAP)*) for transmitting upward signals; the bi-directional CATV system comprises a wireless transmission section for wireless transmitting of signals using a wireless frequency band in a transmission path between a center equipment of the bi-directional CATV system and the access point (*figure 2, 5-40 MHz frequency band for communication between CAP and head end access point (HAP)*); the wireless LAN system includes a LAN frequency band distinct from the wireless frequency band; and the LAN frequency band is used for wireless transmitting of signal between the at least one wireless terminal and the access point (*figure 7, 802.11 2.4 GHz or 5.8 GHz frequency band for communication between 802.11 access point in CAP and a wireless terminal*). Bianchi discloses the CATV system comprising a wireless transmission section in an outside transmission path (*outside of transmission between a terminal and the CAP*) between the CAP and a coupler (*a branching device for branching a lead-in wire from a transmission line of said bi-directional CATV system*) that couples power signal and the intermediate frequency signal energy from the translator to the CATV plant (column 5, lines 37-42).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianchi in view of Ohta (U.S. 5,878,277).

Re claims 6, 8, 9 and 12, Bianchi discloses a wireless LAN system to be connected to an access point by using a wireless frequency band but fails to teach a wired LAN system at the subscriber site to be connected to the bi-directional CATV system. However, Ohta discloses terminal stations connected to the CATV system by using 802.3 LAN (*a wired LAN system is connected to the bi-directional CATV system*, figure 1; column 13, lines 23-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify terminals of Bianchi at subscriber site to form wired LANs and establish a connection to the access point via a wireless transmission using the LAN frequency band for controlling a total amount of traffic in a network.

Re claim 7, Bianchi discloses the bi-directional CATV system comprising a downward signal frequency band used for transmitting downward signals (figure 2, *50-750 MHz downward frequency band for communication between CAP and HAP*); one of the first frequency band and the second frequency band is higher than the downward signal transmission frequency band (*the 2.4 GHz or 5.8 GHz upward frequency band is higher than the 50-750 MHz downward frequency band*); and the other of the first frequency band and the second frequency band is lower than the downward signal

transmission frequency band (*the 5-40 MHz upward frequency band is lower than the 50-750 MHz downward frequency band*).

Response to Arguments

10. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc
Hong Cho
Patent Examiner
3-1-2005


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